

RESOLUTION NO. 2012-30

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A SITE PLAN CONSISTING OF AN 11 UNIT RESIDENTIAL DEVELOPMENT FOR PROPERTY LOCATED AT 101 SUNRISE DRIVE, AS FURTHER SHOWN ON EXHIBIT “A;” PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR RECORDING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Real Equity Assets and Consolidators, LLC (the “Applicant”) is the owner of approximately .66 acres of real property located at 101 Sunrise Drive, Key Biscayne, Florida (the “Property”); and

WHEREAS, pursuant to Section 30-73 of the Village Code of Ordinances (the “Village Code”), the Applicant has submitted a Planning & Zoning Application seeking approval of a site plan for the development of an 11 unit residential development bearing Public Hearing # SP-20 (the “Application”); and

WHEREAS, after proper public notice, the Village Council has conducted a public hearing and considered all testimony and other evidence presented and otherwise made part of the record.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. The recitals set forth above are hereby adopted and confirmed.

Section 2. Findings. The Village Council, based upon the competent substantial evidence presented, finds that the Application is consistent with Village of Key Biscayne Master Plan and that the Applicant has met all of the applicable requirements within the Village’s Zoning Code, and in particular Section 30-73 of the Village Code.

Section 3. Site Plans Approved. The site plan, attached as Exhibit "A," prepared by Gabriel Lopez Architect, P.A. entitled "R.E.A.C. 101 Sunrise," dated May 22, 2012, and consisting of 7 pages (the "Site Plan") is hereby approved.

Section 4. Conditions. The approval granted by this Resolution is subject to compliance with the following conditions, to which the Applicant stipulated and agreed to at the public hearing:

1. The dumpster enclosure shall be constructed of concrete block and stucco. The building material for the gate shall only be comprised of metal.
2. The Building, Zoning and Planning Director shall approve the design of the aluminum picket fence which surrounds the Property, sliding gates at the two (2) entrances to the parking garages and the dumpster enclosure.
3. The Property contains 14 mature coconut trees and two (2) gumbo limbo trees. These trees shall be retained and used on the Property. The plans shall contain this note on the landscape plan that is submitted by the Applicant for a building permit.

Section 5. Recording. This Resolution shall be recorded, prior to the issuance of a building permit, by the Applicant at its expense in the public records of Miami-Dade County. A copy of the proof of recordation shall be submitted to the Building, Zoning and Planning Department prior to the issuance of any building permits.

Section 6. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 26th day of June, 2012.


MAYOR FRANKLIN H. CAPLAN

ATTEST:



CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

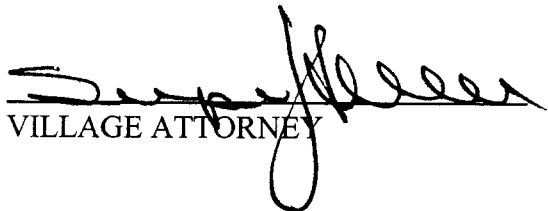

VILLAGE ATTORNEY





EXHIBIT "A"

V I L L A G E O F K E Y B I S C A Y N E

Department of Building, Zoning and Planning

Village Council

Franklin H. Caplan, *Mayor*
Michael E. Kelly, *Vice Mayor*
Michael W. Davey
Enrique Garcia
Robert Gusman
Mayra P. Lindsay
James S. Tantor

Director


Jud Kurlancheek, AICP

Chief Building Official

Eugenio M. Santiago, PE

DT: June 26, 2012

TO: John C. Gilbert, Village Manager

FR: Jud Kurlancheek, AICP, Director 
Building, Zoning, and Planning Department

RE: Site Plan Review: 101 Sunrise Drive

APPLICATION SUMMARY

Applicant	Real Equity Assets and Consolidators, LLC
Request	Site Plan Approval for a 11 Unit Development
Site Address	101 Sunrise Drive
Master Plan	Multiple Family Medium Density
Zoning District	RM-16 Multiple Family Medium Density
File Number	SP - 20 Filed May 24, 2012
Recommendation	Approval with Conditions

Purpose of Site Plan Review: Site plan review is designed to achieve the following objectives:

1. To insure that infrastructure (water, sewer, and roads) is in place at the time the development is completed.
2. To encourage logic, imagination, and variety in the design process.
3. To insure that projects are compatible, both aesthetically and functionally, with the surrounding area.
4. To promote excellence in urban design.

5. To encourage buildings that are consistent with the high quality environment associated with the Village.

The Application: The applicant has filed an application for Site Plan approval for 11 apartment units.

Site Plan Review Criteria: In order for the project to move forward, the Village's Zoning and Land Development Regulations require the site plan for the above captioned project be approved by the Village Council. In order to approve a site plan, the Council must find that the project is consistent with the following criteria:

Criteria 1 *Natural Environment.* All proposed development shall be designed in such a manner as to preserve, perpetuate and improve the existing natural character of the site. Existing trees and other landscape features shall, to the maximum extent possible, be preserved in their natural state, and additional landscape features shall be provided to enhance architectural features, to relate structural design to the site, and to conceal unattractive uses. In all instances the Village's tree protection, landscaping and all other applicable regulations shall be fully complied with as minimum standards.

Analysis: The submission includes a Landscape Plan which is marked AL. The Landscape Plan includes a variety of trees including Buttonwoods (11), Native Pitch Apples (4), Green Malayan Coconuts (19), Glossy Privet (6) and Live Oaks (10). The existing site does not contain any trees that have significant value. The Landscape Plan also includes a variety of shrubs which will add interest and variety to the project. The type and location of the trees and shrubs compliment the project.

The site contains 14 mature coconut trees and a two (2) gumbo limbo tree. These trees should be retained and used on the property.

Finding: Consistent

Criteria 2 *Open space.* Adequate landscaped open space shall be provided which meets the particular needs and demands of the proposed development and all specific zoning district requirements.

- a. Passive open spaces (those areas not planned for intensive activity) shall be arranged as to enhance internal spatial relationships between proposed structures, to provide buffers between the project and adjacent less intensive uses, to facilitate pedestrian movements within the development, and to improve the overall visual quality of the site.

- b. Active open spaces (those areas containing activities such as playgrounds, tennis courts, swimming pools and other active recreational facilities) shall be located so as to permit easy access to all residents or users within a development. Private recreational facilities and activities within specific projects shall, wherever possible, complement rather than duplicate, nearby public recreational activities.

Analysis:

- a. Passive Open Spaces are located in the front, rear and sideyards which are easily accessible and provide the ability to walk around the project. The roof top deck provides an opportunity to sunbathe or use a Jacuzzi type facility for rest and relaxation.
- b. Active Open Space is located on the rooftop deck which includes a pool for active recreation along with the passive facilities.

Finding: Consistent

Criteria 3 *Circulation and parking.* All circulation systems and parking facilities within a proposed development shall be designed and located in such a manner as to comply with the following:

- a. A clearly defined vehicular circulation system shall be provided which allows free movement within the proposed development while discouraging excessive speeds. Said systems shall be separated insofar as practicable from pedestrian circulation systems. Pavement widths and access points to peripheral streets shall be provided which adequately serve the proposed development and which are compatible and functional with circulation systems outside the development.
- b. Whenever possible in proposed residential developments, living units should be located on residential streets or courts that are designed to discourage non-local through traffic.
- c. Off-street parking areas shall be provided which adequately accommodate maximum vehicle storage demands for the proposed project and are located and designed in such a manner so as to conveniently serve the uses to which they are accessory and not create incompatible visual relationships.
- d. Safe and efficient access to all areas of the proposed development shall be provided for emergency and service vehicles, as required by Chapter 52.11 of the Florida Building Code.

- e. Sidewalks shall be provided as required by the Village regulations.
- f. Handicapped Accessibility shall be provided as required by all applicable regulations.

Analysis: The following analysis is alphabetically keyed to the above criteria.

- a. The vehicular circulation system provides for two way ingress and egress from Sunrise Drive to the building. Parking is located at grade below the building.
- b. Sunrise Drive is a residential street that only provides for local traffic.
- c. Parking is located at grade below the building. There are 30 parking spaces while 17 are required. This count includes two (2) handicap parking spaces. There are two elevators which provide easy access to the east and north areas of the parking garage.
- d. During the permitting process, inspectors will review the plans to insure the project is consistent with the Florida Building Code.
- e. All sidewalks and walkways shall meet or exceed Village standards.
- f. There are two (2) handicap parking spaces which are consistent with the requirements.

Finding: Consistent

Criteria 4 *Community services and utilities.* All proposed developments shall be designed and located in such a manner as to insure the adequate provision, use and compatibility of necessary community services and utilities.

- a. An adequate sanitary sewer collection system including all necessary extensions and connections shall be provided in accordance with Village standards for location and design. Where necessitated by the size of the development and/or by the unavailability of Village treatment facilities, sanitary sewage treatment and disposal systems must be provided in accordance with Village and state standards and regulations.
- b. An efficient solid waste collection system, including the provision of an adequate number of properly screened local receptacles in locations which afford maximum use and collection convenience, shall be provided in accordance with all applicable Village standards.
- c. A well designed internal system for fire protection, including the provisions of an adequate number of properly located fire hydrants and an efficient

access arrangement for emergency fire vehicles, shall be provided to ensure the safety of all persons within the project.

Analysis: The following analysis is alphabetically keyed to the above criteria.

- a. When the plans are submitted for a building permit, the Village and Miami-Dade County Sewer Water Authority will require the appropriate connections.
- b. The proposed build has one enclosed trash room on each side of the building and as well as the dumpster.
- c. During the review of the plans for building permit, the Fire Department will insure that the project meets all of the applicable fire related life safety codes.

Finding: Consistent.

Criteria 5 *Building and other structures.* All buildings and structures proposed to be located within a development shall be oriented and designed in such a manner as to enhance, rather than detract from, the overall quality of the site and its immediate environment. The following guidelines shall be followed in the review and evaluation of all buildings and structures:

- a. Proposed buildings and structures shall be related harmoniously to the terrain, other buildings and the surrounding neighborhood, and shall not create through their location, style, color or texture, incompatible physical or visual relationships.
- b. All buildings and structures shall be designed and oriented in a manner insuring maximum privacy of residential uses and related activities both on the site being developed and property adjacent thereto.
- c. All permanent outdoor identification features which are intended to call attention to proposed projects and/or structures shall be designed and located in such a manner as to be an integral part of the total project and/or structural design and shall not exceed a size and scale necessary for the recognition from vehicles moving along adjacent streets at prescribed legal speeds.

Analysis: The following analysis is alphabetically keyed to the above criteria.

- a. The building is located in a neighborhood that has mostly three (3) to five (5) story buildings. The proposed building has three (3) levels of apartments over a one (1) story garage. A description of the project and architectural style was submitted as part of the application.

- b. Like all the other buildings in this neighborhood, the entrance to the building faces the street. There are windows on all sides of the building but only the front has balconies. This is consistent with other buildings in the neighborhood.
- c. Signage will be located on the building which is consistent with the Zoning and Land Development Regulations.

Finding: Consistent.

Criteria 6 All applicants are required to prove that the project meets the Village's Concurrency Level of Service Standards for Roads, Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Recreation and Open Space.

Analysis: The current building contains 22 units and the proposed building will have 11 units. The Level of Service standards are set forth in Article VI Concurrency Management. As this building has a reduction in the number of units, it is exempt from the Level of Service standards. This is set forth in Section 30-164 (a)(6) Exemptions which states "any new construction that results in a reduction in square footage or density".

Miami-Dade County Public Schools has determined that "the applicable Level of Service standards of 100% Florida Inventory of School Housing (FISH) have not been impacted since the new multi-family residential project consists of less residential units than the existing residential complex being demolished" (See attached June 7, 2012 letter).

Finding: Consistent

Criteria 7 *Other Requirements.* Requirements and recommendations as provided in the Village tree and landscape regulations shall be observed as will the requirements of all applicable standards and regulations.

Analysis: The project exceeds the landscape requirements that are set forth in the Zoning and Land Development Regulations.

Finding: Consistent

RECOMMENDATION

Staff recommends approval of the project subject to the following conditions:

1. The dumpster shall be constructed of concrete block and stucco. The building material for the gate shall only be comprised of metal.
2. The Building, Zoning and Planning Director shall approve the design of the aluminum picket fence which surrounds the Property, sliding gates at the two (2) entrances to the parking garages and the dumpster enclosure.
3. The Property contains 14 mature coconut trees and two (2) gumbo limbo trees. These trees shall be retained and used on the Property. The plans shall contain this note on the landscape plan that is submitted by the Applicant for a building permit.